

BILLY J. WILLIAMS, OSB #90136
Acting United States Attorney
District of Oregon
ETHAN D. KNIGHT, OSB #99298
CHARLES F. GORDER, JR., OSB #91287
Assistant United States Attorneys
ethan.knight@usdoj.gov
charles.gorder@usdoj.gov
1000 SW Third Ave., Suite 600
Portland, OR 97204-2902
Telephone: (503) 727-1000
Attorneys for United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:12-CR-00659-MO

v.

**GOVERNMENT'S SENTENCING
MEMORANDUM**

REAZ QADIR KHAN,

Sentencing Date: June 19, 2015

Defendant.

The United States of America, by Billy J. Williams, Acting United States Attorney for the District of Oregon, and through Ethan D. Knight and Charles F. Gorder, Jr., Assistant United States Attorneys, respectfully submits this memorandum for defendant's sentencing, which is currently set for Friday, June 19, 2015, at 11:00 a.m.

I. Introduction

On February 13, 2015, defendant entered a plea of guilty pursuant to Fed. R. Crim. P. 11(c)1(C) to a single-count Superseding Information, charging him with Accessory After the Fact to the offense of Conspiracy to Provide Material Support to Terrorists, resulting in death. The parties urge the Court to accept the binding plea agreement tendered to the Court and

sentence defendant to 87 months' imprisonment, to be followed by a three-year term of supervised release. Based on the information set forth below and separately set forth in the Presentence Report (PSR) and defendant's sentencing materials, the parties contend that this resolution is reasonable and grounded in the factors contained in 18 U.S.C. § 3553(a).

II. Offense Conduct

The government agrees with the description of the Offense Conduct in paragraphs 11 through 22 of the PSR and the Statement of Facts in Support of the Plea Agreement contained in paragraph 23 and provided to the Court on February 13, 2015.

III. Advisory Sentencing Guidelines and Factors Set Forth in 18 U.S.C. § 3553

The government agrees with the PSR that the total offense level is 39, defendant's criminal history category is VI, and the resulting guideline range is 360 months to life (However, because the statutory maximum for 18 U.S.C. § 3, Accessory After the Fact, is 180 months, the sentencing range would be capped at 180 months.). The base offense level for 18 U.S.C. § 3, contained in USSG § 2X3.1, is 30. The parties have previously agreed, and the PSR has found, that the offense as pled to by defendant is a felony that involved, or was intended to promote, a federal crime of terrorism under USSG § 3A1.4. (PSR ¶ 30). As a result, 12 levels are added to the base offense level of 30 and defendant's criminal history category is category VI under USSG § 3A1.4(b). (PSR ¶ 41). This results in an offense level of 42. Defendant is entitled to a three-level reduction to the offense level for acceptance of responsibility under USSG § 3E1.1, resulting in the offense level of 39.

The 87-month sentence, jointly recommended by the parties and the PSR, is the product of considerable analysis by the government, is well-grounded in the sentencing factors set forth

in 18 U.S.C. § 3553(a), and is an appropriate pretrial resolution of defendant's case. The Section 3553(a) factors that were closely examined in reaching the agreed-upon sentencing recommendation include: the history and characteristics of defendant, the nature and seriousness of the offense, the need to provide just punishment and adequate deterrence, the need to promote respect for the law, and the need to protect the public from further crimes committed by defendant. 18 U.S.C. § 3553(a)(1)-(2).

IV. Government's Sentencing Recommendation

The government is requesting the Court accept the plea agreement and sentence defendant to 87 months' imprisonment to be followed by a three-year term of supervised release, with the conditions set forth in the PSR. The sentence properly accounts for all of the unique facts of defendant's case and should be accepted by the Court.

Dated this 8th day of June 2015.

Respectfully submitted,

BILLY J. WILLIAMS
Acting United States Attorney

s/ Ethan D. Knight
ETHAN D. KNIGHT, OSB #99298
CHARLES F. GORDER, JR., OSB #91287
Assistant United States Attorneys